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OS REGISTRY
FILE HR

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26 JAN 1977

MEMORANDUM FOR: Chief, Regulations Control Branch, ISAS

FROM : Robert W. Gambino
Director of Security

SUBJECT : Proposed Regulation HR - Protection
of Sources and Methods (Job #7956)

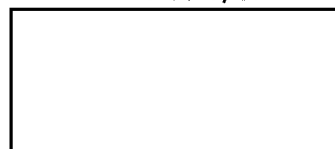
REFERENCE : Memorandum from C/RCB/ISAS dated
24 November 1976, same subject

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1. The Office of Security is both sympathetic to and wholeheartedly supportive of the concept of establishing a mechanism apart from the classification procedures of Executive Order 11652 for the protection of intelligence sources and methods on the basis of the Director's statutory responsibility under the National Security Act of 1947. However, basic ingredients of subject regulation, as proposed by the Office of General Counsel, suggest to us that as a means for implementing the concept the proposed regulation is untimely, impractical, and imprudent. We do not concur in its promulgation at the present time or in its present format.

2. An effective control system for information involving intelligence sources and methods in our view must be implemented on a government wide, or at least Community basis. The proposed regulation would establish such a system only within CIA. Such establishment in one agency would be counterproductive. For this reason we feel that an Agency regulation is not the vehicle to first surface implementation of the concept. Instead, promulgation of an Agency regulation should be deferred until a Director of Central Intelligence Directive is issued on the subject.

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The authority, if not the responsibility, for the issuance of such a DCID already exists in Executive Order 11905.

3. The proposed directive would relate the establishment of a sources and methods control system to a discrete list of aspects of intelligence sources and methods requiring protection. Although the proposed regulation identifies this listing only as "Annex A," it is assumed that Annex A is the glossary prepared several months ago by the Office of General Counsel with our participation.

4. Although the idea of a glossary of intelligence sources and methods was attractive to us earlier, more recent examination of this idea and especially the resultant product of the OGC effort has tarnished our initial attraction. We have become disabused of the glossary idea because it speaks of aspects of sources and methods in such an all encompassing manner that almost everything connected with the Agency could be identified with one or more items in the glossary. Definition of sources, methods, and analytical procedures needing protection is more an art than a science; designation of a document as source revealing is more instinctive than mechanical. We feel therefore that the designation process must be accomplished on a case by case basis similar to that associated with the classification process.

5. Finally, as spelled out in the proposed regulation, the intelligence sources and methods control system would require definitive standards for access, handling, transmission, storage, etc. In view of the extant requirements for storing classified information, we see no reason to institute structured requirements with reference to the handling of information revealing intelligence sources and methods other than the proposed warning notice label. In fact the flexibility permitted by the non-establishment of such standards is a requirement in a wide variety of operational situations. As far as handling instructions are concerned, we would prefer a simple statement that such material be handled in an appropriately secure manner and where possible as if it were classified.

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6. It is recommended that subject proposal be withdrawn from the regulations coordination process until and unless action is taken to implement this concept on a Community wide basis.



ROBERT W. GAMBINO

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